

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL NICHOLS,

PLAINTIFF,  
SEE PLAINTIFF'S LIST  
AND OTHER PERSONS  
SIMILARLY SITUATED

V.

UNITED STEELWORKERS OF AMERICA,  
REPUBLIC TECHNOLOGIES OF AMERICA,

DEFENDANTS,

JUDGE PALLMEYER

02C 5205

MAGISTRATE JUDGE NOLAN

02 JUL 23 2002  
JUL 24 2002  
FILED ED4

COMPLAINT

Now comes, MICHEAL NICHOLS A MEMBER OF THE UNITED STEELWORKERS OF AMERICA AND ALL OTHER PLAINTIFF'S SIMILARLY SITUATED, by Robert M. Salzman Attorney at Law. Complaining of UNITED STEELWORKERS OF AMERICA AND REPUBLIC TECHNOLOGIES, and in support states as follows:

JURISDICTION AND VENUE

- 1.) This suit is to recover back wages, loss of pensions and other monetary rights, as well as, liquidated and punitive damages. Federal question jurisdiction arises, pursuant to section 9a of Title 29 USC (# 159(a) and (301) of the Labor Management Relations Act. A portion of said, statute is to redress violation by the Union of its Fair Representation Standards on behalf of the plaintiff and all other Union Members similarly situated.

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for the 15% reduction on January 24<sup>th</sup>, 2002. Said reduction went into effect and continued to approximately July 15<sup>th</sup>, 2002. Said reduction went to both, Wages and Pension and Health Benefits.

- 8.) But for the recommendation of the Union based upon the terms, of the aforementioned, Legislation, the Plaintiffs would not have approved said pay reduction.
- 9.) At the time in question and more specifically prior to the vote the legislation in question, "The Emergency Steel Loan" <sup>(loan the program)</sup> had been terminated as of December 31<sup>st</sup>, 2001. The Union, although aware of this still had its memberships vote to approve the 15% reduction based upon non-existent terms. If the Plaintiffs' had been made aware of the termination, they would not have approved the reduction.
- 10.) Although, the Emergency Loan circumstances were invalid at the time. The defendants made no attempt to undo said reduction. In fact, the reduction continued till approximately July 15<sup>th</sup>, 2002. All to the benefit of the defendants, and to the detriment of the plaintiff.
- 11.) At the time of the vote in question, (January 24<sup>th</sup>, 2002), the defendants Union failed to represent the plaintiffs and others similarly situated fairly and impartially. Further, said recommendation made by the Union was not rational conduct under, The Fair Representation Standard and grossly negligent.

- 2.) The Defendant's are corporation domiciled in Illinois and various other states.
- 3.) The Defendant United Steelworker was the exclusive bargaining agent for the plaintiffs at the times referred herein. Said representation arose out of the plaintiffs' membership more specifically, in Local 1033 of said Union.
- 4.) The Defendant Republic Technologies International was the employer of the plaintiffs.

#### **STATEMENT OF CLAIM**

- 5.) On or before January 24<sup>th</sup>, 2002 and more specifically on December 2001, defendant United Steel Workers, published and promoted to the plaintiffs, its recommendation that its membership vote and approve and 15 % reductions in a pay scale so that there would be a financial benefit to the employer, Republic Tech. Said benefit would also accrue ultimately to the plaintiffs.
- 6.) The agreement to reduce, would only be effective after the approval vote, if the defendant Republic, secured a 250 Million Loan, under Legislation known as, The Emergency Steel Loan Guarantee Program, and approval by the Pension Benefit Guarantee Corporation (See attached Exhibit A Portion of Summary of Recommendation by Union).
- 7.) Based, upon the recommendation referred to above the Plaintiff and other Union members voted

12.) As a direct result of the actions of the Union and it's unfair representation and the actions of the employer, the plaintiff and all other similarly situated, lost income in an amount that was 15% less than normal for at least 6 (six) months. In addition, they lost whatever other benefits would be based upon income.

Wherefore, the plaintiff and all others similarly situated, request that, the Courts order the following:

- a) The Union and Company award all back pay and benefits, that the plaintiffs' lost as a result of improper 15% pay reduction.
- b) That the Union and Company pay all attorney's fees and costs, incurred by present action.
- c) Whatever, other relief, the Court sees fit to award, including damages both compensatory and punitive.

Respectfully submitted,

By 

Robert M. Salzman

Robert M. Salzman  
79 West Monroe Street, Suite 626  
Chicago, Illinois 60603  
(312) 553-4514

# PLAINTIFF'S LIST

02C 5205

Mitchell Jones  
Charles Blue  
S. Jovanovic  
Mile Vlajnic  
Garry House  
William Ryan  
Jesus Villicna  
Joseph Benkovich  
Anastacio Chagoya  
Emil Simich  
Florencio Cornel  
Christine Pearson  
Peter P. Woznicki  
George Bateman  
Melvin Roberson  
Thomas Kaniewski  
Jose L. Lopez  
Frank Billa  
Lettie Tubbs  
Printis Brown  
Frank Green  
Winston Williams  
Dan Gaddni  
Walter Zakrzewski  
Corrine Chengary  
Michael Dzinbczynski  
Joseph Cano  
Ronald Alexander  
Robert Watson  
Curt Blankenship  
Otis Redmond  
Arthur DeBarge  
Jason Shone  
Roberto Montes  
Jesus Arced  
Johnnie Johnson  
Ramon Deleal  
Al J. Stewart  
Albert C. Austin  
Jack M. Shinn

# PLAINTIFFS LIST

Naihanuel Knight  
John Keslin  
John J. Rodriavez  
Milovan Radicic  
Roland Collier  
Billy Pierce  
L. Dipilippo  
Frank Keslin  
Fernando Gonzalez  
Alfonso Hernandez

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plans whenever available, tighter prescription drug networks, and revised co-pay arrangements for prescriptions. There will be fewer options and more restrictions.

**Regulation of Investments.** The company cannot make investments outside the steel industry without Union approval. The Union will get expanded input into corporate decision-making.

The agreement also incorporates all rights and provisions of the 1998 Agreement (1999 Agreement for Lorain) except as specifically modified. In addition to being subject to the bankruptcy court's approval and membership ratification, the agreement will only go into effect if the company secures a \$250 million loan under the Emergency Steel Loan Guarantee Program and approval by the Pension Benefit Guaranty Corporation of a new pension funding schedule. In short, the tentative agreement only becomes effective as part of a program that puts RTI on the road to reorganization and recovery, and everyone that has an interest in RTI's success contributes.

This Modified Labor Agreement is consistent with the goals and guidelines for steel crisis negotiations established by the Basic Steel Industry Conference in January 2001. This proposal has been approved by our negotiating committee, the BSIC Advisory Board, and the International Executive Board. **We submit it with a recommendation that you approve it.**

We urge you to read this summary carefully and then vote. If you have any questions, be sure to contact your local union representative. A complete copy of the settlement is on file at your local union hall. A ballot and voting instructions are contained in this package. To be counted, your ballot must be received by the Post Office in Pittsburgh by the date shown on your instructions.

Without your solidarity, unity and support, this agreement would not have been possible. Together we were able to completely defeat RTI's plan to reorganize the company on the backs of our retirees and active employees. The future of the company is now in your hands.

In solidarity,

Leo W. Gerard  
International President and Chairman  
Basic Steel Industry Conference

David R. McCall  
Chairman  
RTI Bargaining Committee

EX-17A

JS 44  
(Rev. 12/96)**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**Michael Nichols  
ET AL**JUDGE PALLMEYER**

UNITED STEELWORKER

**MAGISTRATE JUDGE NOLAN**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)

Cook

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

Cook

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE

02C

5205

DOCKETED

JUL 24 2002

DN A

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Ray Sazman  
79 W. Monro  
312 553 4514

ATTORNEYS (IF KNOWN)

**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant

- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Citizen of This State

PTF DEF

Incorporated or Principal Place of Business in This State

Citizen of Another State

2 2

Incorporated and Principal Place of Business in Another State

Citizen or Subject of a Foreign Country

3 3

Foreign Nation

**IV. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

☒ 1 Original Proceeding☐ 2 Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened

Transferred from another district (specify)

☐ 6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

**V. NATURE OF SUIT**

(PLACE AN "X" IN ONE BOX ONLY)

- CONTRACT**
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability

- TORTS**
- PERSONAL INJURY**
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

- PERSONAL INJURY**
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability
- PERSONAL PROPERTY**
- ☐ 370 Other Fraud
- ☐ 371 Truth In Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

- FORFEITURE/PENALTY**
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

- BANKRUPTCY**
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

- PROPERTY RIGHTS**
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

- LABOR**
- ☒ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations

- SOCIAL SECURITY**
- ☐ 861 HIA (1395m)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

- ☐ 730 Labor/Mgmt. Reporting & Disclosure Act
- ☐ 740 Railway Labor Act

- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

- FEDERAL TAX SUITS**
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS - Third Party 26 USC 7606

- OTHER STATUTES**
- ☐ 490 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 480 Commerce/KCC Rates/etc
- ☐ 480 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes
- ☒ 990 Other Statutory Actions

**VI. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Violation of Fair Labor Standards Act

**VII. REQUESTED IN COMPLAINT**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND:

YES NO

**VIII. This case**☐ is not a refiling of a previously dismissed action.☐ is a refiling of case number \_\_\_\_\_ previously dismissed by Judge \_\_\_\_\_

DATE

07-23-02

SIGNATURE OF ATTORNEY OF RECORD

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS JUDGE PALLMEYER

In the Matter of

Michael Nebel

MAGISTRATE JUDGE NOLAN

Case Number:

02C 5205

U.S. STEEL

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

RM SARRMAN		02 JUL 23 PM 12:00 U.S. DISTRICT COURT FILED-234	
(A)		(B)	
SIGNATURE <i>Robert M. Sarrman</i>		SIGNATURE	
NAME 79 year old male		NAME	
FIRM Ch. 20 60603		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER 312 5534514	FAX NUMBER	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
(C)		(D)	
SIGNATURE		SIGNATURE	
NAME		NAME	
FIRM		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER	FAX NUMBER	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
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